



STATE OF CONNECTICUT
CONNECTICUT STATE LIBRARY

231 Capitol Avenue • Hartford, Connecticut 06106



KENDALL F. WIGGIN
State Librarian
TEL: (860) 757-6510 - FAX: 757-6503

Testimony of
Kendall Wiggin, State Librarian

Concerning Senate Bill No. 1057

**"AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE STATE LIBRARIAN
CONCERNING E-GOVERNMENT AND THE PRESERVATION, AUTHENTICATION AND
MANAGEMENT OF ELECTRONIC RECORDS"**

Committee on Government Administration and Elections Committee

March 11, 2013

Good morning Senator Musto, Representative Jutila, Senator McLachlan, Representative Hwang and the distinguished members of the Government Administration and Elections Committee. My name is Kendall Wiggin and I am the State Librarian. I want to thank the Committee for raising SB 1057 and I am here to speak in favor of it.

Managing and Preserving the Growth of Electronic Records

As you all know, the transition from paper to electronic records is growing at exponential rates. It is essential that we have the tools that we need to assist our state government and municipal employees in managing the growth of electronic records and more importantly, preserving valuable historical electronic records. Managing and preserving electronic records is on-going and will require continuous investment. In January 2012 I issued a report to the Governor titled "Recommendations of the State Librarian for Establishing Standards and Guidelines for the Preservation and Authentication of Electronic Documents." This document was created pursuant to Section 28 of Public Act 11-150. <http://www.cslib.org/slrecommendations.htm>.

The Office of the Public Records Administrator, in consultation with the state's Chief Information Officer, is tasked with issuing a Public Records Policy which establishes standards for the preservation and authentication of electronic documents. The components of this policy include, but are not limited to, authentication, chain of custody, metadata, file naming structures, encryption, file formats, watermarks, electronic and digital signatures, preservation, retention, and disposition of electronic records. Developing this policy will require time, technology and specialized expertise. Passage of this significant and timely bill will allow for electronic records to be included in the State Library's role of managing, authenticating, and preserving government records.

How will the Connecticut State Library use the money?

The bill proposes an additional fee of \$7.00 for each document recorded on the land records in a municipality. The town clerks would retain \$5.00 and \$2.00 would be deposited into the proposed "e-government records management account" to be used by the State Library to ensure that the records we create today are maintained to meet the needs of the state and its citizens now and in the future.

The funds that would accrue to the fund would provide the State Library with the resources to address the preservation and authentication of electronic government records. The State Library needs a Digital Records Archivist to assist with the management of the Connecticut Digital Archives, a repository that the State Library is currently developing in collaboration with the University of Connecticut Libraries and the Dodd Center. On-going funding is needed to make this a viable trusted repository for state and local government information. In addition, the State Library needs a Digital Public Records Archivist to assist the Office of the Public Records Administrator with electronic records initiatives such as updating the current standards for imaging records, creating standards for born digital records, and developing long term retention strategies. Electronic records require a different records management approach than paper and must address the issues of authentication, integrity, security and accessibility throughout the records' life cycle.

BEST has purchased IBM's Enterprise Content Management System. Currently five state agencies are using the FileNet module for file and email management. The Office of the Public Records Administrator has been meeting with BEST and IBM regarding the IBM FileNet module and an additional Enterprise Records module for retention and disposition of agency records. The State Library would need to purchase two separate modules to be used for automating the records retention and disposition process, *Global Retention Policy and Schedule Management* and *Disposal and Governance Management for IT*. Funds generated from the "e-government records management account" would assist the State Library in this important collaborative effort with BEST.

Also, the funding would help to develop and support an on-going essential records program for both paper and electronic records critical for disaster and emergency response and recovery. Due to the essential nature of its services, government agencies must continue to operate during an emergency or disaster regardless of conditions. They must provide critical services, exercise civil authority, maintain the safety and well-being of the general population, and sustain the area's economic base.

Hurricane Katrina and Superstorm Sandy demonstrated how the catastrophic loss of government records can profoundly impact every aspect of daily life for citizens. In New York, New Jersey and New Orleans, these storms destroyed or severely damaged town halls, other government buildings and private institutions containing critical records that documented property ownership, legal identities, citizenship, and educational and training records necessary for employment.

In the past 24 months, Connecticut and the southern New England area has experienced an above average number of natural disasters including tornadoes, an earthquake, record snow fall, as well as Tropical Storm Irene, the October 2011 snowstorm and most recently, Superstorm Sandy which all left massive power outages and extensive property damage. While Connecticut agencies did not suffer significant record losses during these events, public agency records have been lost to fire and flood in the past and could be in the future. Electronic records are just as vulnerable. We are aware of record losses due to both the main computer and backup systems failing as a result of human error. Some records were reconstructed at a significant cost to taxpayers while others were irretrievable.

The federal disaster declaration process starts at the local level and to progress to the next level a certain amount of damage must be documented. Records are critical to this process and to the emergency management cycle of mitigation, preparedness, response and recovery. It is important to identify the records that support this process, incorporate them into institutional COOP plans, insure that they are protected against loss and are accessible when needed. This bill makes it clear that agencies must consider records (paper and electronic) in their continuity of operations planning and gives the State Library authority to see that this is carried out.

The need for funding at the municipal level

The \$5.00 fee would enable town clerks to fund important projects to improve the preservation and management of electronic records in their towns. Examples of these types of projects would include:

- Records conversion and preservation projects to improve access to important municipal records such as land records, maps, municipal codes and minutes, while also ensuring the authenticity and preservation of these records for generations to come.
- Software or hardware upgrades for electronic records management systems, including land records management systems.
- Redaction software to remove social security numbers from land records before they are posted online.
- Development of electronic records management programs, policies and procedures.
- Development of essential records and disaster recovery programs, policies and procedures.
- Staff training on systems, policies and procedures regarding electronic records, essential records and disaster recovery.

Land recording fee increase distribution estimates

To estimate the level of funding that would be generated by this new program, we have looked at the number of eligible recordings reported by the towns in FY2012 and have used that number to estimate the annual receipts that would be generated by a new \$7 fee, assuming a similar level of recording activity in upcoming years.

Total number of eligible recordings (FY2012): 573,060

Estimated annual receipts – Connecticut State Library (\$2/recording): \$1,146,120

Estimated annual receipts – Connecticut Town Clerks (\$5/recording): \$2,865,300

Looking at the number of eligible recordings reported by individual towns in FY2012, we would estimate that a municipality could expect to receive annual receipts ranging from approximately \$1,000 to \$92,000, assuming a similar level of recording activity in upcoming years. These estimates are based on the lowest and highest number of eligible recordings reported by the towns, ranging from 204 recordings in Union to 18,561 recordings in Stamford, in FY2012.

Proposed change to bill

Our original bill proposal included the following definition that was not included in SB 1057. We feel that it is essential that "official record copy" be defined in statute. Our original proposal recommended that it be added to CGS Sec. 1-14a. "Official record copy" means the single copy of a record, often the original, which is designated as the official and legally recognized copy for records retention, preservation, and authentication. It is important that this definition be included because the definition of a public record as defined in CGS 1-200(5) is too inclusive for this purpose.

Thank you for the opportunity to testify today. Please feel free to contact me if you have any questions.